

HOUSE BILL 667

R6

0lr2908
CF SB 509

By: **Delegates Elmore, Cane, Conway, Mathias, and Rudolph**

Introduced and read first time: February 4, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2010

CHAPTER _____

1 AN ACT concerning

2 ~~Somerset, Wicomico, and Worcester Counties~~ **Vehicle Laws – Exceptional**
3 **Hauling Permits – Validity in Select Eastern Shore Counties**

4 FOR the purpose of including Dorchester County, Somerset County, Talbot County,
5 Wicomico County, and Worcester County as counties in which an exceptional
6 hauling permit issued by the State Highway Administration is valid for a
7 combination of vehicles that transports certain forestry products, subject to
8 certain axle configuration requirements, increased maximum load limits, weight
9 tolerances, inspection requirements, operation restrictions and requirements,
10 penalties, record keeping and reporting requirements, and fees; and generally
11 relating to vehicle laws and exceptional hauling permits.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 24–113.2
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 24–113.2.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) An exceptional hauling permit issued under this section is valid only in:

2 **(1)** Allegany County ~~[and Garrett County]~~, ~~GARRETT COUNTY;~~ AND

3 **(2)** **DORCHESTER COUNTY, SOMERSET COUNTY, TALBOT**
4 **COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY.**

5 (b) Notwithstanding any other provision of this title, the State Highway
6 Administration may issue an exceptional hauling permit for a combination of vehicles
7 that:

8 (1) Carries forestry products that:

9 (i) Are loaded in fields or other off-highway locations; and

10 (ii) Are the only load of the vehicle; and

11 (2) Has an axle configuration of not less than six axles and a
12 front-to-rear centerline axle spacing of not less than 50 feet.

13 (c) A combination of vehicles operating under the authority of an exceptional
14 hauling permit issued under subsection (b) of this section shall:

15 (1) Comply with the following weight limits:

16 (i) A maximum of 20,000 pounds gross weight on a single axle;

17 (ii) For any consecutive axle configuration of two or more axles
18 on individual vehicles in the combination, the maximum gross weight specified in §
19 24-109(c) of this subtitle; and

20 (iii) A maximum of 87,000 pounds gross combination weight;

21 (2) Twice each year, submit to and pass a North American Standard
22 Driver/Vehicle Level 1 inspection; and

23 (3) Be allowed a load limit tolerance of only 1,000 pounds for gross
24 combination weight and 15% for axle weights.

25 (d) While operating a combination of vehicles under the authority of an
26 exceptional hauling permit issued under subsection (b) of this section, a person may
27 not:

28 (1) Violate a highway restriction issued by a competent authority;

29 (2) Operate the combination of vehicles on the interstate highway
30 system, as defined in § 8-101(j) of this article;

1 (3) Operate the combination of vehicles if the combination of vehicles
2 exceeds any tire weight rating or tire speed restriction adopted under § 25-111 of this
3 article; or

4 (4) Fail to comply with the terms and conditions of the exceptional
5 hauling permit.

6 (e) While operating a combination of vehicles under the authority of an
7 exceptional hauling permit issued under subsection (b) of this section, a person shall
8 have in the person's possession:

9 (1) The original exceptional hauling permit issued for the vehicle; and

10 (2) For each vehicle in the combination of vehicles, a copy of a valid
11 North American Standard Driver/Vehicle Level 1 inspection report issued within the
12 preceding 180 days that shows no out-of-service violations.

13 (f) (1) A violation of this section, regulations adopted to implement this
14 section, or the terms and conditions of an exceptional hauling permit issued under
15 subsection (b) of this section shall:

16 (i) Void the authority granted under the exceptional hauling
17 permit;

18 (ii) Subject the vehicle to all weight requirements and
19 tolerances specified in this article; and

20 (iii) For a violation of a weight restriction specified in this
21 section that exceeds 5,000 pounds, subject the exceptional hauling permit to
22 immediate confiscation by an officer or authorized civilian employee of the
23 Department of State Police, an officer of the Maryland Transportation Authority
24 Police, or any police officer.

25 (2) A person who confiscates an exceptional hauling permit under
26 paragraph (1) of this subsection shall immediately notify the State Highway
27 Administration.

28 (3) On notification of the confiscation of an exceptional hauling permit,
29 the State Highway Administration shall review the confiscation, verify the violation of
30 a weight restriction, and, if the State Highway Administration determines that a
31 violation did occur, revoke the permit.

32 (4) An owner or operator of a combination of vehicles may appeal the
33 revocation of an exceptional hauling permit to the State Highway Administrator or the
34 Administrator's designee.

1 (g) (1) On request from the State Highway Administrator or the
2 Administrator's designee, weight and delivery records of the holder of an exceptional
3 hauling permit that are kept in the normal course of business shall be provided by:

4 (i) The holder of the exceptional hauling permit; or

5 (ii) A facility that receives forestry products delivered by a
6 vehicle operating under the authority of an exceptional hauling permit.

7 (2) If the holder of an exceptional hauling permit or a facility that
8 receives forestry products does not comply with a request under this subsection, the
9 State Highway Administration may:

10 (i) Suspend the holder's exceptional hauling permit; or

11 (ii) Prohibit a vehicle from delivering forestry products under
12 the authority of the exceptional hauling permit to the noncompliant facility.

13 (h) (1) An applicant for an exceptional hauling permit shall pay to the
14 State Highway Administration:

15 (i) \$500 for the issuance of a new permit or the annual renewal
16 of a permit;

17 (ii) \$1,000 for the reinstatement of a permit that was revoked
18 under subsection (f)(3) of this section for a first violation; and

19 (iii) \$5,000 for the reinstatement of a permit that was revoked
20 under subsection (f)(3) of this section for a second or subsequent violation within the
21 prior 24 months.

22 (2) A fee paid under this subsection is nonrefundable.

23 (i) Except as otherwise provided in this section, an exceptional hauling
24 permit is valid for 1 year from the date of issuance.

25 (j) In consultation with the Secretary of State Police, the State Highway
26 Administration shall adopt regulations to implement this section.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010.